

**PATENT**

Attorney Docket No.: A-70970/RMS/DCF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Engelhard, et al.

Serial No. 10/004,113

Filed: October 23, 2001

For: NOVEL COMPOSITIONS AND  
METHODS FOR CANCER

Examiner: UNKNOWN

Group Art Unit: 1642

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Missing Parts - Box Sequence - Fee, P.O. Box 2327, Arlington, VA 22202 on:

Dated: 3/15/02

Signed: Fern S. Marder

Fern S. Marder

TRANSMITTAL OF PAPER COPY SEQUENCE LISTING  
ON COMPACT DISC

U.S. Patent and Trademark Office  
Box Missing Parts - Box Sequence - Fee  
P.O. Box 2327  
Arlington, VA 22202

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed January 9, 2002 and pursuant to 37 C.F.R. 1.52(e), applicant is submitting the paper copy of the Sequence Listing in compact disc form. Each compact disc enclosed, labeled "Copy 1" and "Copy 2," respectively, was created on an IBM-PC compatible machine using the MS-Windows operating system and contains a single file of 1,048,576 bytes named A70970.ST25.txt, created on February 22, 2002. The two compact discs are identical.

Also enclosed with the compact discs are:

Serial No.: 10/004,113  
Filed: October 23, 2001

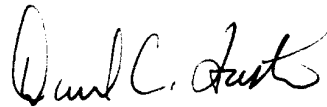
1. Computer readable form of Sequence Listing on floppy disk;
2. Copy of Notice to File Missing Parts of Nonprovisional Application; and
3. Preliminary AMENDMENT re Sequence Listing.

While no further fee is currently believed to be due, the Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-70970/RMS/DCF).

Respectfully submitted,

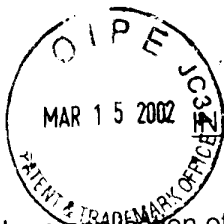
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Dated: 3/8/02



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
ENGELHARDT, et al.  
Serial No. 10/004,113  
Filed: October 23, 2001  
For: NOVEL COMPOSITIONS AND  
METHODS FOR CANCER

) Examiner: Not assigned  
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) Group Art Unit: 1642  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Missing Parts - Box Sequence - Fee, P.O. Box 2327, Arlington, VA 22202 on 3/1/02

Signed: \_\_\_\_\_

Fern S. Marder

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

U.S. Patent and Trademark Office  
Box Missing Parts - Box Sequence - Fee  
P.O. Box 2327  
Arlington, VA 22202

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed January 9, 2002.

Applicant claims small entity status in accordance with 37 CFR 1.27.

Enclosed are the following documents:

- (1) Copy of Notice to File Missing Parts of Nonprovisional Application;
- (2) Declaration and Power of Attorney;
- (3) Assignment (copy);
- (4) Power of Attorney by Assignee;

Serial No.: 09/997,722  
Filed: November 30, 2001

- (5) Preliminary Amendment re Sequence Listing with (a) Transmittal of Paper Copy Sequence Listing on Compact Disc, (b) 2 identical electronic copies of the Sequence Listing on compact disc, and (c) a computer readable form of the Sequence Listing in a self-extracting compressed file (on floppy disk).
- (6) Check for \$939.00 to cover the filing fee (\$370.00), 12 independent claims over 3 (\$504.00), and missing parts surcharge (\$65.00) for a small entity;
- (7) Return receipt postcard.


The Commissioner is authorized to charge any fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-70970/RMS/DCF).

It is believed that submission of the above serves to satisfy all of the requirements of the outstanding Notice of Missing Parts.

Respectfully submitted,

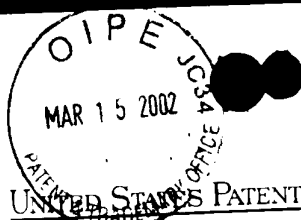
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Date: 3/11/02

  
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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20503  
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/004,113	10/23/2001	Eric Engelhard	A-70970/RMS/DCF

CONFIRMATION NO. 3901

FORMALITIES LETTER



\*OC000000007283954\*

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
 Suite 3400  
 Four Embarcadero Center  
 San Francisco, CA 94111-4187

Date Mailed: 01/09/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$504.
  - \$504 for 12 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 939.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

03/16/2002 TL0011 00900026 10004113

 370.00 DP  
 65.00 DP  
 504.00 DP

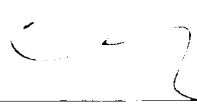
 01 FC:201  
 02 FC:205  
 03 FC:202

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE